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Attorney Docket No.: 26448-501

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 09/766,547 Confirmation No. 9923
Applicant(s) : Wagle et al.
Filed : January 19, 2001
TC/A.U. : 1626
Examiner : Rei Tsang Shiao
Docket No. : 26448-501
Customer No. : 35437
For : **THIAZOLE, IMIDAZOLE AND OXAZOLE COMPOUNDS AND
TREATMENTS OF DISORDERS ASSOCIATED WITH PROTEIN
AGING**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Restriction Requirement

This communication is filed in response to the Restriction Requirement issued March 3, 2004. A petition to extend the due date for responding to the Restriction Requirement to September 3, 2004 accompanies this response.

In response to the Restriction Requirement, applicants repeat their prior election, with traverse, of the compound 2,4,5-trimethyl-thiazole as the species for examination purposes. This compound is the compound of Formula (I) wherein J is S and Ra, Rb, and Rc are methyl. Applicants believe this species falls within the Group IV and thus elect the claims of Group IV with traverse. Applicants understand that the remaining Groups I to III all require the presence of a fused C6 to C10 aryl ring from Ra and Rb. In addition, applicants elect the method of use C., method of treating damage of blood vasculature.

Initially Applicants maintain that the restriction requirement is improper for failure to demonstrate why the restriction was necessary after substantial prosecution has occurred in the subject application. Moreover, applicants maintain that it has not been demonstrated that the claims as grouped represent independent and distinct inventions as

required under 35 U.S.C 121. M.P.E.P. 808.01 defines "independent inventions" as those having no connection in design, operation or effect. Because the compounds defined in the claims all have a related core structure, the claims are connected and therefore not "independent" and applicants should be allowed to have all claims examined on their merits.


Applicants also maintain that the restriction requirement is improper because the Examiner did not demonstrate that the search of the separate claims presents an undue burden on the Examiner. Because the Examiner has not demonstrated the "various" classifications under which these claims allegedly fall, Applicants respectfully maintain that it has not been established that a search for the general structure would not retrieve references pertinent to all of the groups of claims. For the reasons discussed above, Applicants maintain that the search of art for any of the groups of claims would necessarily cover art for all of the various groups of claims.

Favorable action on the merits is respectfully requested. If there are any questions regarding this Response, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Applicants believe that this Response is timely and no additional fees are due with the filing of this Response. However, if any additional fees are required or if any funds are due, the USPTO is authorized to charge or credit Deposit Account Number: 50-0311, Customer Number: 35437, Reference Number: 26448-501.

Respectfully submitted,

Date: September 3, 2004


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